**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri J. Krishnam Raju, S/o Narasimha Sitarama Raju, Visakhapatnam District against the proceedings of the Rc. No.1011/2001 C5, dated 18.10.2003 the District Collector, Vizianagaram - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders - Issued.

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**TRIBAL WELFARE (CV2) DEPARTMENT**

**G.O.MS.No. 86** **Dated: 06-07-2016**

**Read the following:**

1. Proceedings of the District Collector, Vizianagaram, Rc.1011/2001 C5, dated:18.10.2003.
2. Appeal Petition filed by Sri J. Krishnam Raju S/o Narasimha Sitarama Raju, Visakhapatnam District, dt.18.11.2003.
3. Govt. Memo No.13048/CV.2/2003, dt.22.01.2004.
4. From the District Collector, Vizianagaram, Lr.No.Rc No. 2087/2003 C5, Dated 09.06.2004.
5. Govt. Memo No.13048 /CV.2/2003, dated 01.08.2006, 12.09.2006, 05.06.2007, 11.06.2010, 17.01.2013 & 20.05.2015.
6. Govt. Memo No.13048/CV.2/2003, dt.16.10.2015.

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**ORDER:**

In the reference 1st read above the District Collector, Vizianagaram has issued orders canceling ST- Konda Dora Caste Certificate obtained from the then Tahsildar, Makkuva in 1990 by Sri J. Krishnam Raju, S/o Narasimha Sitarama Raju, Vizianagaram District.

2. In the reference 2nd read above, Sri J. Krishnam Raju, S/o Narasimha Sitarama Raju, Vizianagaram District has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Vizianagaram. After examining the said Appeal Petition, Government have admitted the Appeal Petition & granted stay on the said proceedings of the District Collector, Vizianagaram and called for the parawise remarks and connected records from the District Collector, Vizianagaram in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Vizianagaram has furnished the parawise remarks and connected records on the Appeal Petition filed by Sri J. Krishnam Raju, S/o Narasimha Sitarama Raju, Vizianagaram District.

4. The said Appeal Petition has been posted for hearing on 05.08.2006, 23.09.2006, 14.06.2007, 25.06.2010, 21.01.2013, 20.06.2015 & finally on 31.10.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the Community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 5th & 6th read above. The Appellant & Counsel for the Appellant have not attended the said hearings as requested in the reference 6th read above.

5. After examination of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by District Collector, Vizianagaram and proceedings of the District Collector, Vizianagaram dated 18.10.2003 and after hearing of the arguments the following points on the community claim of Sri J. Krishnam Raju are observed by the Appellate Authority that :

I. The Appellant in his grounds has stated that he belongs to ST-Konda Dora community which is declared as Scheduled Tribe as per the Constitutional (Scheduled Tribes) Orders 1950 as amended from

**[P.T.O]**

time to time. Further he has stated that his family members and other caste members viz., Sanyasi Raju, Ex. Jamindar of Salur and Sri S.J.N. Dev, Retired District Judge etc., have been recognized as members of ST-Konda Dora caste.

II. The DLSC has conducted thorough enquiry on ST social status of the appellant as per the directions of Hon'ble High Court in WP No. 12468/2001 and WA No. 1025/2001, dated 25.07.2001 as per G.O. Ms. No.58, SW(J) Deptt., dated 12.05.1997.

III. The father of the Appellant entered in Govt. Service as Ministerial Servant in the Revenue Department in the year 1954 and in his Service Register and SSLC Certificate his caste shown as "Oriya Kshatriya" and while he was working as Mandal Revenue Officer, he got a novel idea of getting a false certificate and obtained ST-Konda Dora caste certificate in favour of his son Sri Sri J. Krishnam Raju. Further they haven't produced any material/evidence to prove that they are relatives of Sri Sanyasi Raju, Ex. Jamindar of Salur and Sri S.J.N. Dev, Retired District Judge etc.,

IV. The DLSC after due enquiry into the matter and taking into consideration of the material evidence on record i.e, the extracts of "Admission Register Abstract and Withdrawals of Municipal Elementary School (Oriya), Salur and Govt. Junior College, Salur" finally concluded that the social status of the appellant's father can't be considered as member belonging to ST-'Konda Dora' but belongs to 'Oriya Kshatriya' caste and recommended for cancellation.

6. Further the Appellate Authority has made lot of exercise to find out truth and genuineness in the caste certificate issued in favour of the Appellant and it also gave ample opportunity to the appellant to produce any record relating to his social status but the Appellant has failed to prove the same. Further, whole evidence of Appellant is self defeating. The burden, on the Appellant U/S 6 is not discharged. By the plain reading of Section 6 of Act 16 of 1993 and Rule 21 of the rules one can understand that the Rule 21 is meant, for the cases where a community certificate is issued by Competent Authority under Section 4 of A.P. Act 16 of 1993. In principle the Govt. is receiving any documents even at the time of arguments and considering the same in order to ensure that justice is done to the parties more so to those who complain that reasonable opportunity is not given to them by the primary authority. But, in the instant case the Appellant has not produced any relevant documents in support of his community claim before the Government though lot of opportunity is given by way of several adjournments, except the school record which is generated based on declaration given by the parents, hence it can be held that mere school certificate can't be accepted as reflection of true caste of person. Further the Appellant has not produced any documents to prove that they are relatives of Sri Sanyasi Raju, Ex. Jamindar of Salur and Sri S.J.N. Dev, Retired District Judge etc., who have been recognized as members of ST-Konda Dora caste.The burden on the Appellant U/s is not discharged. While so for various reasons of the matter could not be disposed off.

7. Further it is also observed that in the instant case, the Appellant is claiming a different community status other than his father. Obviously the father who is Public Servant is shown to be of "Oriya Kshatriya" in his Service Register and throughout his service the same entry continued. He did not question the same. The Appellant who is Son of the said Public Servant is unable to disprove the fact much less by cogent evidence. The fraud of father of the Appellant who worked as Mandal Revenue Officer in having created false caste certificate of his Son is manifest on the plain reading of the above file. It is but natural that the caste of the father will be the caste of the Child. The father being "Oriya Kshatriya" the son also will be of the same caste. Therefore it is apparent that the appellant and his father together obtained ST-Konda Dora certificate by playing fraud on the authorities and misusing their position. Hence, the Government is of the considered view that the Appellant obtained caste certificate fraudulently and he has no iota of evidence

**[Contd…]**

to show that, he belongs to ST "Konda Dora" Community. The Appeal is devoid of any merits and the Government did not find any infirmity in the judgment of the respondent/ District Collector, Vizianagaram. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, Vizianagaram.

8. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Appeal Petition filed by Sri J. Krishnam Raju, S/o Narasimha Sitarama Raju does not deserve any interference. Hence, Proceedings of the District Collector, Vizianagaram issued vide Rc. No.1011/2001 C5, dated 18.10.2003 , is hereby upheld and the Appeal Petition filed by Sri J. Krishnam Raju, S/o Narasimha Sitarama Raju, is hereby dismissed and the Certificate issued by the then Tahsildar, Makkuva deemed to be cancelled.

9. Consequently, the District Collector, Vizianagaram shall take necessary action in the matter.

10. The records (containing Rc. No.1011/2001/C5, dated 18.10.2003 pages 01 to 156 cf, pages 1- 13 nf along with Rc. No. 2846/93/TRI-I-VC-I of Commissioner, T.W., A.P., Hyderabad , (NF 12 pages+ CF 260 Pages) and WP No. 15657/94, dated 09.04.2001 and A.S No. 98/1998, dated 21.09.2001received from District Collector, Vizianagaram through 4th read above, are returned herewith in original to the District Collector, Vizianagaram and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**R.P.SISODIA**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, Vizianagaram.(w.e)
(with original records) (BY RPAD)

Sri J. Krishnam Raju S/o Narasimha Sitarama Raju
R/o Plot No.23, Sector-1, Gokuldham Colony, Purushottam(Post), Sujatha Nagar(B.O), Pendurthi(S.O), Visakhapatnam District.

Sri Taddi Nageswara Rao, Advocate to the Appellant
Plot No.127, H.No.9-4-84/127, Kakatiya Nagar, Near Mehdipatnam,
Hyderabad -500008.

**Copy to**:
The Director, TCR& TI, A.P., Hyderabad.
The PS to M(SWE& TWE).
The PS to Prl. Secretary(TW)

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**